

Appl. No.: 09/956,998

Amdt. dated December 16, 2004

Reply to Communication of December 16, 2004

#### REMARKS/ARGUMENTS

Claims 1, 3, and 4 have been amended. Support for these amendments can be found throughout the specification and in the original claims, as described below. Specifically, the elements of claim 2 have been incorporated in claim 1. The limitation "having at least a portion of the target polynucleotide," has been removed from claim 1 to render it consistent with the other claims as a matter of form only. Claim 3 has been amended as a matter of form to reflect proper dependency of the claim. Claim 4 has been amended to clarify antecedent basis changing "the" to "a." Entry of these amendments to the claims of the above-referenced application is respectfully requested. Reexamination and reconsideration of the claims is respectfully requested in view of the following remarks. The Examiner's comments in the Office Action are addressed below in the order set forth therein.

A conversation took place with the Examiner on May 12, 2005. Claim 7 was discussed. Although it was presented as an independent claim, it was mis-identified as a rejected dependent claim in the Office Action. Based on the discussion with the Examiner it may be allowable subject matter as it has a plurality of strands. Further clarification is respectfully requested.

Claim 2 has been canceled. Claims 1 and 3-12 are now pending in the application.

#### The Rejection of the Claims Under 35 U.S.C. §102(b) Should Be Withdrawn

Claims 1 and 4 are rejected under 35 U.S.C. §102(b) in view of Hirashima *et al.* This rejection is respectfully traversed.

Claim 1 has been amended to include a 7-methyl guanine cap. Hirashima *et al.* does not recite this element. Thus, the rejection is traversed.

Claim 4 is distinguishable from Hirashima *et al.* The cited reference teaches a micRNA that binds to a 3' UTR of a first gene product (reverse transcriptase mRNA) and to a 5' UTR of a different gene product (replicase mRNA), thereby creating a concatamer of two different protein-encoding RNA molecules. Claim 4 requires that the first strand comprise both the 5' and 3' regions of the RNA encoding a protein of interest simultaneously. Thus, the second strand will only bind the 5' and 3' region of the unitary protein-encoding mRNA, not two separate


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protein-encoding strands. In claim 4, the protein-coding region is bridged by the second strand, unlike that described by Hirashima *et al.* Thus, the rejection is respectfully traversed.

Claims 1 and 3-12 are now pending in the application. Reexamination and reconsideration of the claims is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to the credit card number supplied with this response.

Respectfully submitted,

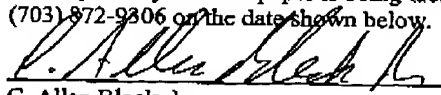
  
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
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5/13/05  
Date